

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

WI-LAN, INC.,)	Case No.: C 10-80254 JF (PSG)
)	
Plaintiff,)	ORDER VACATING DECEMBER 7,
v.)	2010 HEARING
)	
LG ELECTRONICS, INC. and LG)	[Docket No. 7]
ELECTRONICS, USA, INC., et al.,)	
)	
Defendants.)	

On October 26, 2010, Townsend and Townsend and Crew LLP (“TTC”) filed a motion to quash subpoena. The motion was served that same day. TTC did not, however, file or serve any notice of its requested hearing date for the motion– December 7, 2010– until November 16, 2010.

Civ. L.R. 7-2 sets forth the requirements for notice of any motion hearing: “all motions must be filed, served and noticed in writing on the motion calendar of the assigned Judge for hearing not less than 35 days after service of the motion.” By filing and serving its motion more than 35 days before the date later noticed for hearing, TTC appears to have complied with Rule 7-2’s literal language. But TTC’s delayed filing of its hearing notice has the effect–however inadvertent– of denying the Court the benefit of receiving any opposition at least 21 days before the hearing date, as is clearly contemplated by L.R. 7-3(a). *See* Civ. L.R. 7-3(a) (“Any opposition to a motion must be served and filed not less than 21 days before the hearing date.”). The court therefore vacates the December 7, 2010 hearing for TTC’s motion to quash and invites TTC to re-notice the hearing so as

1 to permit any opposing party to file its papers at least 21 days before the hearing date.

2 IT IS SO ORDERED.

3 Dated: December 3, 2010

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5 PAUL S. GREWAL
6 United States Magistrate Judge
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